

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ISO-00 OES-07 DLOS-09 CIAE-00
DODE-00 NSAE-00 NSCE-00 SSO-00 ICAE-00 INRE-00
ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
COME-00 DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01
TRSE-00 H-01 INR-10 INT-05 JUSE-00 NSF-01 OMB-01
PA-01 PM-05 SP-02 SS-15 AF-10 ARA-10 EA-10
EUR-12 NEA-10 OIC-02 /174 W
-----125074 011921Z /46

O 011850Z MAY 78
FM USMISSION GENEVA
TO SECSTATE WASHDC NIACT IMMEDIATE 9075

LIMITED OFFICIAL USE SECTION 01 OF 03 GENEVA 06598

DEPT ALSO PASS TO R. FRANK, NOAA

E.O. 11652: N/A
TAGS: PLOS, EFIS
SUBJECT: LOS: LL/GDS ARTICLES

1. THE FOLLOWING QUOTE COMPROMISE SUGGESTION UNQUOTE OF
CHAIRMAN OF NEGOTIATION GROUP 4 (NANDAN) WAS DISTRIBUTED
ON MAY 1:

BEGIN TEXT: AMEND PARA. (2) OF ART. 62 TO READ AS
FOLLOWS:

"(2) THE COASTAL STATE SHALL DETERMINE ITS CAPACITY TO
HARVEST THE LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC
ZONE. WHERE THE COASTAL STATE DOES NOT HAVE THE CAPACITY
TO HARVEST THE ENTIRE ALLOWABLE CATCH, IT SHALL, THROUGH
AGREEMENTS OR OTHER ARRANGEMENTS AND PURSUANT TO THE
TERMS, CONDITIONS AND REGULATIONS REFERRED TO IN PARAGRAPH
4, GIVE OTHER STATES ACCESS TO THE SURPLUS OF THE
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ALLOWABLE CATCH HAVING PARTICULAR REGARD TO THE PROVISIONS
OF ARTICLES 69 AND 70, ESPECIALLY IN RELATION TO THE
DEVELOPING STATES MENTIONED THEREIN."

ARTICLE 69 - RIGHT OF LAND-LOCKED STATES

1. LAND-LOCKED STATES HAVE THE RIGHT TO PARTICIPATE, ON

AN EQUITABLE BASIS, IN THE EXPLOITATION OF AN APPROPRIATE PART OF THE SURPLUS OF THE LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONES OF COASTAL STATES OF THE SAME SUBREGION OR REGION, TAKING INTO ACCOUNT THE RELEVANT ECONOMIC AND GEOGRAPHICAL CIRCUMSTANCES OF ALL THE STATES CONCERNED AND IN CONFORMITY WITH THE PROVISIONS OF THIS ARTICLE AND OF ARTICLES 61 AND 62.

2. THE TERMS AND MODALITIES OF SUCH PARTICIPATION SHALL BE ESTABLISHED BY THE STATES CONCERNED THROUGH BILATERAL SUBREGIONAL OR REGIONAL AGREEMENTS TAKING INTO ACCOUNT INTER ALIA:

(A) THE NEED TO AVOID EFFECTS DETRIMENTAL TO FISHING COMMUNITIES OR FISHING INDUSTRIES OF THE COASTAL STATES;

(B) THE EXTENT TO WHICH THE LAND-LOCKED STATE, IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, IS PARTICIPATING OR IS ENTITLED TO PARTICIPATE UNDER EXISTING BILATERAL, SUBREGIONAL OR REGIONAL AGREEMENTS, IN THE EXPLOITATION OF LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONES OF OTHER COASTAL STATES;

(C) THE EXTENT TO WHICH OTHER LAND-LOCKED STATES AND STATES WITH SPECIAL CHARACTERISTICS ARE PARTICIPATING IN THE EXPLOITATION OF THE LIVING RESOURCES OF THE EXCLUSIVE LIMITED OFFICIAL USE

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ECONOMIC ZONE OF THE COASTAL STATE AND THE CONSEQUENT NEED TO AVOID A PARTICULAR BURDEN FOR ANY SINGLE COASTAL STATE OR A PART OF IT;

(D) WITH RESPECT TO DEVELOPED STATES, THE NUTRITIONAL NEEDS OF THE POPULATIONS OF THE RESPECTIVE STATES AND THEIR CAPACITY TO SUPPLY THOSE NEEDS.

3. WHERE A COASTAL STATE AS A RESULT OF A JOINT VENTURES OR OTHER SIMILAR ARRANGEMENTS WITH THIRD PARTIES INCREASES ITS CAPACITY TO HARVEST THE LIVING RESOURCES OF ITS EXCLUSIVE ECONOMIC ZONE TO THE POINT OF HARVESTING THE ENTIRE ALLOWABLE CATCH, IT SHALL TAKE APPROPRIATE MEASURES TO PROVIDE FOR DEVELOPING LAND-LOCKED STATES, ESPECIALLY THOSE WHICH HAVE BEEN FISHING IN THE ZONE, ADEQUATE PARTICIPATION IN SUCH JOINT VENTURES OR OTHER SIMILAR ARRANGEMENTS ON TERMS SATISFACTORY TO THE PARTIES CONCERNED.

4. DEVELOPED LAND-LOCKED STATES SHALL, UNDER THE PROVISIONS OF THIS ARTICLE, BE ENTITLED TO PARTICIPATE IN THE EXPLOITATION OF LIVING RESOURCES ONLY IN THE

EXCLUSIVE ECONOMIC ZONES OF DEVELOPED COASTAL STATES OF THE SAME SUBREGION OR REGION HAVING REGARD TO THE EXTENT TO WHICH THE COASTAL STATE IN GIVING ACCESS TO OTHER STATES TO THE LIVING RESOURCES OF ITS EXCLUSIVE ECONOMIC ZONE HAS TAKEN INTO ACCOUNT THE NEED TO MINIMIZE ECONOMIC DISLOCATION IN STATES WHOSE NATIONALS HAVE HABITUALLY FISHED IN THE ZONE.

5. THE ABOVE PROVISIONS ARE WITHOUT PREJUDICE TO ARRANGEMENTS AGREED UPON IN SUBREGIONS OR REGIONS WHERE THE COASTAL STATES MAY GRANT TO LAND-LOCKED STATES OF THE SAME SUBREGION OR REGION EQUAL OR OTHER SPECIAL TREATMENT REGARDING THE EXPLOITATION OF THE LIVING RESOURCES IN THE EXCLUSIVE ECONOMIC ZONES.
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ACTION L-03

INFO OCT-01 IO-13 ISO-00 OES-07 DLOS-09 CIAE-00
DODE-00 NSAE-00 NSCE-00 SSO-00 ICAE-00 INRE-00
ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
COME-00 DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01
TRSE-00 H-01 INR-10 INT-05 JUSE-00 NSF-01 OMB-01
PA-01 PM-05 SP-02 SS-15 AF-10 ARA-10 EA-10
EUR-12 NEA-10 OIC-02 /174 W
-----125106 011921Z /46

O 011850Z MAY 78
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DEPT ALSO PASS TO R. FRANK, NOAA

ARTICLE 70 - RIGHTS OF STATES WITH SPECIAL CHARACTERISTICS

1. STATES WITH SPECIAL CHARACTERISTICS HAVE THE RIGHT TO

PARTICIPATE ON AN EQUITABLE BASIS, IN THE EXPLOITATION OF AN APPROPRIATE PART OF THE SURPLUS OF THE LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONES OF COASTAL STATES OF THE SAME SUBREGION OR REGION, TAKING INTO ACCOUNT THE RELEVANT ECONOMIC AND GEOGRAPHICAL CIRCUMSTANCES OF ALL THE STATES CONCERNED AND IN CONFORMITY WITH THE PROVISIONS OF THIS ARTICLE AND OF ARTICLES 61 AND 62.

2. FOR THE PURPOSES OF THE PRESENT CONVENTION, THE TERM "STATES WITH SPECIAL CHARACTERISTICS" MEANS COASTAL STATES, INCLUDING STATES BORDERING ENCLOSED AND SEMI-ENCLOSED SEAS, WHOSE GEOGRAPHICAL SITUATION MAKES THEM DEPENDENT FOR THE SATISFACTION OF THE NUTRITIONAL NEEDS OF THEIR POPULATION UPON THE EXPLOITATION OF THE LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONES OF OTHER STATES IN THE LIMITED OFFICIAL USE

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SUBREGION OR REGION, AND COASTAL STATES WHICH CAN CLAIM NO EXCLUSIVE ECONOMIC ZONES OF THEIR OWN.

3. THE TERMS AND MODALITIES OF SUCH PARTICIPATION SHALL BE ESTABLISHED BY THE STATES CONCERNED THROUGH BILATERAL, SUBREGIONAL OR REGIONAL AGREEMENTS TAKING INTO ACCOUNT INTER ALIA:

(A) THE NEED TO AVOID EFFECTS DETRIMENTAL TO FISHING COMMUNITIES OR FISHING INDUSTRIES OF THE COASTAL STATES;

(B) THE EXTENT TO WHICH THE STATE WITH SPECIAL CHARACTERISTICS, IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, IS PARTICIPATING OR IS ENTITLED TO PARTICIPATE UNDER EXISTING BILATERAL, SUBREGIONAL OR REGIONAL AGREEMENTS IN THE EXPLOITATION OF LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONES OF OTHER COASTAL STATES;

(C) THE EXTENT TO WHICH LAND-LOCKED STATES AND OTHER STATES WITH SPECIAL CHARACTERISTICS ARE PARTICIPATING IN THE EXPLOITATION OF THE LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONE OF THE COASTAL STATE AND THE CONSEQUENT NEED TO AVOID A PARTICULAR BURDEN FOR ANY SINGLE COASTAL STATE, OR A PART OF IT;

(D) WITH RESPECT TO THE DEVELOPED STATES, THE NUTRITIONAL NEEDS OF THE POPULATIONS OF THE RESPECTIVE STATES AND THEIR CAPACITY TO SUPPLY THOSE NEEDS.

4. WHERE A COASTAL STATE AS A RESULT OF JOINT VENTURES OR OTHER SIMILAR ARRANGEMENTS WITH THIRD PARTIES INCREASES ITS CAPACITY TO HARVEST THE LIVING RESOURCES OF ITS

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EXCLUSIVE ECONOMIC ZONE TO THE POINT OF HARVESTING THE ENTIRE ALLOWABLE CATCH, IT SHALL TAKE APPROPRIATE MEASURES TO PROVIDE FOR DEVELOPING STATES WITH SPECIAL CHARACTERISTICS, ESPECIALLY THOSE WHICH HAVE BEEN FISHING IN THE ZONE, ADEQUATE PARTICIPATION IN SUCH JOINT VENTURES OR OTHER SIMILAR ARRANGEMENTS ON TERMS SATISFACTORY TO THE PARTIES CONCERNED.

5. DEVELOPED STATES WITH SPECIAL CHARACTERISTICS SHALL, UNDER THE PROVISIONS OF THIS ARTICLE, BE ENTITLED TO PARTICIPATE IN THE EXPLOITATION OF LIVING RESOURCES ONLY IN THE EXCLUSIVE ECONOMIC ZONES OF DEVELOPED COASTAL STATES OF THE SAME SUBREGION OR REGION HAVING REGARD TO THE EXTENT TO WHICH THE COASTAL STATE, IN GIVING ACCESS TO OTHER STATES TO THE LIVING RESOURCES OF ITS EXCLUSIVE ECONOMIC ZONE, HAS TAKEN INTO ACCOUNT THE NEED TO MINIMIZE ECONOMIC DISLOCATION IN STATES WHOSE NATIONALS HAVE HABITUALLY FISHED IN THE ZONE.

6. THE ABOVE PROVISIONS ARE WITHOUT PREJUDICE TO ARRANGEMENTS AGREED UPON IN SUBREGIONS OR REGIONS WHERE THE COASTAL STATES MAY GRANT TO STATES WITH SPECIAL CHARACTERISTICS OF THE SAME SUBREGION OR REGION EQUAL OR OTHER SPECIAL TREATMENT REGARDING THE EXPLOITATION OF THE LIVING RESOURCES IN THE EXCLUSIVE ECONOMIC ZONES.
END TEXT

2. COMMENT: DELEGATION'S PRELIMINARY EVALUATION IS THAT ARTICLES ARE IN GENERAL SATISFACTORY. CONSIDERATION IS BEING GIVEN TO CERTAIN DRAFTING/CONSISTENCY PROBLEMS. IT IS UNCLEAR AT THIS POINT WHETHER THIS DRAFT WILL CONSTITUTE A FINAL ACCOMMODATION OF THIS ISSUE. COASTAL AND LL/GDS GROUPS ARE MULLING IT OVER, WITH NG4 TENTATIVELY SCHEDULED TO MEET ON WEDNESDAY, MAY 3.

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ACTION L-03

INFO OCT-01 IO-13 ISO-00 OES-07 DLOS-09 CIAE-00

DODE-00 NSAE-00 NSCE-00 SSO-00 ICAE-00 INRE-00
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TRSE-00 H-01 INR-10 INT-05 JUSE-00 NSF-01 OMB-01
PA-01 PM-05 SP-02 SS-15 AF-10 ARA-10 EA-10
EUR-12 NEA-10 OIC-02 /174 W

-----125099 011922Z /46

O 011850Z MAY 78

FM USMISSION GENEVA

TO SECSTATE WASHDC NIACT IMMEDIATE 9077

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DEPT ALSO PASS TO R. FRANK, NOAA

3. ACTION REQUESTED: DEPARTMENT IS REQUESTED TO PROVIDE
ANY VIEWS ON THIS DRAFT BY C.O.B. GENEVA TUESDAY, MAY 2.
RICHARDSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, NEGOTIATIONS, TERRITORIAL WATERS, FISHING AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 01 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA06598
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780185-1008
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1978/newtext/t197805106/aaaadmrg.tel
Line Count: 297
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2532695
Secure: OPEN
Status: NATIVE
Subject: LOS: LL/GDS ARTICLES
TAGS: PLOS, EFIS
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/f6b2a494-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014